

REMARKS

Favorable reconsideration of this application is respectfully requested.

Initially, applicants note the specification is amended by the present response to correct minor informalities therein. No new matter is believed to be added.

Claims 1-6, 8-14, and 17-22 are pending in this application. Claims 7, 15, and 16 are canceled without prejudice. Claims 3-6, 9-13 and 17 stand withdrawn from consideration as directed to a non-elected invention. Claims 1, 2, 7, 8, 14, and 18 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. patent 720,902 to Brau. Claims 19-22 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. patent 3,409,714 to Strugar.

Addressing now the rejection of claims 1, 2, 7, 8, 14, and 18 under 35 U.S.C. § 102(b) as anticipated by Brau, that rejection is traversed by the present response.

Each of independent claims 1 and 14 is amended by the present response to clarify features recited therein. Specifically, those claims are now more particularly directed to a “fuel supplier for use in combination with a fuel cell and liquid fuel required by the fuel cell”. Those claims also clarify the first chamber is “configured to contain the liquid fuel”, the outlet port is “closed and openable upon connection with the fuel cell to link the first chamber with the fuel cell”, and the pressure unit can operate such that “the liquid fuel is supplied to the fuel cell”. The above-noted claim features are believed to be clear from the original specification.¹ Further, applicants submit such amendments do not raise new issues that require further consideration and/or search. The claim amendments clarify the use of the claimed subject matter as was apparently considered in the examination of claims 19-22.

Applicants further submit such features are structural features that clearly distinguish the claims as written over the applied art to Brau.

¹ See for example the specification at page 8, line 6 et seq., page 8, lines 22-23, and page 9, lines 22-25.

Brau is directed to a device for making relief work in which a material for stucco or relief work for walls, ceilings, or other surfaces is contained within a bag E. Brau does not disclose or suggest any device that can contain a liquid fuel for use with a “fuel cell and liquid fuel required by the fuel cell”. Clearly in Brau the bag E is not “configured to contain the liquid fuel”. Brau also does not disclose or suggest an outlet port that is “closed and openable upon connection with a fuel cell to link the first chamber with the fuel cell”, and whereby a pressure unit compresses the partition member “so as to discharge a liquid fuel out of the outlet port, whereby the liquid fuel is supplied to the fuel cell”. Brau is not directed to any type of device even similar to a fuel supplier for use with a fuel cell.

One basis for the previous rejection indicated, with respect to the previously written claim language, “a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations”.²

In response to that rejection applicants submit the claim amendments clarify structural limitations in the claims.

Applicants also note, citing M.P.E.P. § 2111.02(I), that any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. Also, noting M.P.E.P. § 2111.02(II), the claim preamble must be read in context of the entire claim. Also, applicants draw attention to M.P.E.P. § 2111.04 that indicates when a “whereby” clause states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention.

In lieu of the above-noted guidance, applicants respectfully submit each of the features recited in independent claims 1 and 14 must be considered, and when the positively recited claim limitations are considered each of independent claims 1 and 14 clearly

² Office Action of May 4, 2007, page 2, prenumbered paragraph [0002].

distinguishes over Brau. As noted above, Brau does not disclose or suggest any device directed to a “fuel supplier for use in combination with a fuel cell and liquid fuel required by the fuel cell”. Brau also clearly does not disclose or suggest a casing partition into a first chamber “configured to contain the liquid fuel”, “an outlet port being closed and openable upon connection with the fuel cell to link the first chamber with the fuel cell”, and a pressure unit pressing the partition “whereby the liquid fuel is supplied to the fuel cell”. Each of those features recited in each of independent claims 1 and 14 are not disclosed or suggested by Brau. Thus, applicants respectfully submit each of independent claims 1 and 14, and the claims dependent therefrom, clearly distinguish over Brau.

Addressing now the rejection of claims 19-22 under 35 U.S.C. § 102(b) as anticipated by Strugar, that rejection is traversed by the present response.

Independent claim 19 is similarly amended as in independent claims 1 and 14 noted above, and the features recited therein are believed to clearly distinguish over Strugar.

Strugar is directed to a fuel tank, and Strugar particularly does not disclose or suggest any type of “pressure unit *housed in the second chamber*, the pressure unit pressing the partition member so as to discharge the liquid fuel out of the outlet port, whereby the liquid fuel is supplied to the fuel cell” (emphasis added), as recited in independent claim 19. That is, Strugar does not disclose any pressure unit within a second chamber. For Strugar to meet such a limitation, Strugar would require a pressure unit within the noted fuel tank at a top portion above the container 5. Strugar does not disclose or suggest any such feature.

Further, at cited column 2, lines 11-14 Strugar expressly indicates a contrary structure to the claimed invention as at that point Strugar notes “[t]he vent opening 3 may be connected to a controlled pressure source to provide selective positive pressure on the gasoline or fuel envelope bag or inner container 5 fabricated in such outer tank 1”. Thereby, Strugar does not disclose or suggest any pressure unit housed in the second chamber, but only a connection to

an external pressure source. Independent claim 19, and the claims dependent therefrom, require a contrary structure as in Strugar. Thereby, independent claim 19, and the claims dependent therefrom, are believed to patentably distinguish over Strugar.

Also, applicants note the presence of withdrawn claims 3-6, 9-13, and 17 in the present application. Each of withdrawn claims 3-6 and 9-13 is a dependent claim that depends from independent claim 1. Thereby, clearly independent claim 1 is generic to those claims. As independent claim 1 is allowable for the reasons discussed above, applicants respectfully submit reinstatement of claims 3-6 and 9-13 is proper, and that those claims are also allowable.

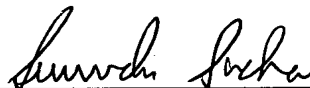
Also, applicants respectfully submit independent claim 1 is generic to independent claim 17, independent claim 17 also being amended by the present response similar as in independent claim 1. Thereby, independent claim 17 is also believed to be allowable.

Thereby, by the present response applicants respectfully submit allowance to each of currently pending claims 1-6, 8-14, and 17-22 is proper.

As no other issues are pending in this application, it is respectfully submitted the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
SNS/rac

Surinder Sachar
Registration No. 34,423